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11 Counsel for Plaintiff
12 SCHULTZE AGENCY SERVICES, LLC

13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

15 In re: TFT-LCD (FLAT PANEL)
16 ANTITRUST LITIGATION

17 This Document Relates To Individual Case No.
3:11-cv-03856-SI (N.D. Cal.)

18 SCHULTZE AGENCY SERVICES, LLC on
19 behalf of TWEETER OPCO, LLC AND
TWEETER NEWCO, LLC

20 Plaintiff,

21 vs.

22 AU OPTRONICS CORPORATION, et al.,

23 Defendants.

Case No. 3:11-cv-03856-SI (N.D. Cal.)

Master File No. 3:07-md-01827-SI (N.D. Cal.)

MDL No. 1827

**STIPULATION AND ~~PROPOSED~~
ORDER WITHDRAWING JOINT
MOTION TO DISMISS, NEC'S MOTION
TO DISMISS, SANYO CE'S MOTION TO
DISMISS, AND EXTENDING TIME TO
RESPOND TO AMENDED COMPLAINT**

1 Plaintiff, Schultze Agency Services, LLC (“Plaintiff”), and Defendants, through the
2 undersigned counsel, request that the Court enter the following order to withdraw (1) Defendants’
3 Joint Motion to Dismiss Plaintiff’s complaint, (2) Defendants NEC Corporation, NEC Corporation
4 of America, NEC Display Solutions of America, Inc., NEC Electronics America, Inc., and NEC
5 LCD Technologies, Ltd.’s (“NEC”) Motion to Dismiss Plaintiff’s complaint, and (3) Defendant
6 Sanyo Consumer Electronics, Co., Ltd.’s (“Sanyo CE”) Motion to Dismiss, and extend
7 Defendants’ time to respond to the amended complaint that Plaintiff will file on or before
8 December 6, 2011.

9 WHEREAS, on October 4, 2011, Plaintiff and Defendant Mitsui & Co. (Taiwan), Ltd.
10 (“Mitsui Taiwan”) entered into a stipulation giving Mitsui Taiwan until December 1, 2011 to
11 answer, move, or otherwise respond to Plaintiff’s complaint.

12 WHEREAS, on October 20, 2011, certain Defendants filed a joint motion to dismiss
13 Plaintiff’s complaint in this action (MDL Dkt. No. 3973), and Defendants NEC and Sanyo CE
14 filed separate motions to dismiss Plaintiff’s complaint (MDL Dkt. Nos. 3967 and 3974,
15 respectively) (the “Motions”);

16 WHEREAS the hearing on the Motions is scheduled for December 2, 2011;

17 WHEREAS Plaintiff, although it opposes the Motions, will exercise its right under Federal
18 Rule of Civil Procedure 15(a) to file a First Amended Complaint in lieu of filing an opposition to
19 the Motions;

20 WHEREAS the parties agree that the briefing dates and hearing associated with the
21 Motions should be withdrawn and that Plaintiff will file its First Amended Complaint after the
22 existing deadline to file its oppositions to the Motions;

23 WHEREAS the parties further agree that Plaintiff may have until December 6, 2011 to file
24 a First Amended Complaint and all Defendants may have until January 10, 2012 to respond to the
25 First Amended Complaint, that Plaintiff may have until January 27, 2012 to oppose or otherwise
26 respond to Defendants’ response, and that Defendants may have until February 10, 2012 to reply
27 to such opposition;
28

1 WHEREAS the parties further agree that the hearing on any responses made by Defendants
2 may be noticed for February 24, 2012;

3 WHEREAS the parties further agree that, in the alternative, the Defendants may have 60
4 days from the date the First Amended Complaint is filed to answer said complaint;

5 THEREFORE, Plaintiff, by its counsel, and Defendants, by the undersigned counsel,
6 stipulate and agree as follows:

7 1. The Motions shall be withdrawn and the briefing schedule and hearing date
8 stricken.

9 2. Plaintiff shall file a First Amended Complaint on or before December 6, 2011.

10 3. All Defendants shall respond to the First Amended Complaint by January 10, 2012.

11 4. Plaintiff shall oppose or otherwise respond to Defendants' filings by January 27,
12 2012.

13 5. Defendants shall submit any replies by February 10, 2012.

14 6. The hearing on any responses made by Defendants shall be noticed for February 24,
15 2012.

16 7. In the alternative, all Defendants shall have 60 days from the date the First
17 Amended Complaint is filed to answer said Complaint.

18 **IT IS SO STIPULATED.**

1 DATED: November 3, 2011

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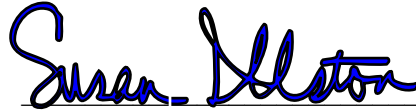
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1 Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of
2 this document has been obtained from stipulating defendants.

3 **IT IS SO ORDERED.**

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5 Dated: ____ 11/4 ____, 2011

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8 Susan Ilston, United States District Judge
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